

QUIN DENVIR, Bar #49374  
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Attorney for Defendant  
DANIEL WALLACE SMITH

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	NO. CR.S. 04-0366-WBS
	)	
Plaintiff,	)	
	)	
v.	)	<b>STIPULATION AND ORDER RE</b>
	)	<b>CONTINUANCE OF STATUS HEARING AND</b>
	)	<b>FINDINGS OF EXCLUDABLE TIME</b>
SHERYL DENISE DAVIS and DANIEL	)	
WALLACE SMITH,	)	DATE: November 23, 2005
	)	TIME: 9:00 a.m.
Defendant.	)	JUDGE: Hon. William B. Shubb
	)	

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DANIEL WALLACE SMITH, by and through his counsel, DENNIS S. WAKS, Supervising Assistant Federal Defender, defendant SHERYL DAVIS by and through her counsel, C. EMMETT MAHLE, and the United States Government, by and through its counsel, ROBIN R. TAYLOR, Assistant United States Attorney, hereby agree that the status conference set for October 19, 2005 be continued to November 23, 2005 at 9:00 a.m. This continuance is requested because the parties to this case have received over 1200 pages of discovery which will require additional time to review. The defendants in this case consent to this continuance.

Accordingly, all counsel, along with Mr. Smith and Ms. Davis agree that the time from October 19, 2005 through November 23, 2005 should be excluded in computing the time within which trial must

1 commence under the Speedy Trial Act, §3161(h)(8)(B)(iv) and Local Code  
2 T4. [reasonable time to prepare].

3 DATED: October 11, 2005

4 Respectfully submitted,

5 QUIN DENVIR  
6 Federal Defender

7 /S/ Dennis S. Waks

8 DENNIS S. WAKS  
9 Supervising Assistant Federal Defender  
Attorney for Defendant  
DANIEL WALLACE SMITH

10 DATED: October 11, 2005

11 /S/ Dennis S. Waks for

12 EMMETT MAHLE, Esq.  
13 Attorney for Defendant  
14 SHERYL DAVIS

15 MCGREGOR SCOTT  
16 United States Attorney

17 DATE: October 11, 2005

18 /S/ Dennis S. Waks for

19 ROBIN R. TAYLOR  
20 Assistant United States Attorney  
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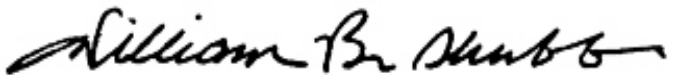
Attorney for Defendant  
DANIEL WALLACE SMITH

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	NO. CR.S. 04-0366-WBS
	)	
Plaintiff,	)	
	)	<b>ORDER RE CONTINUANCE OF STATUS</b>
v.	)	<b>HEARING AND FINDINGS OF</b>
	)	<b>EXCLUDABLE TIME</b>
SHERYL DENISE DAVIS and DANIEL	)	
WALLACE SMITH,	)	DATE: November 23, 2005
	)	TIME: 9:00 a.m.
Defendant.	)	JUDGE: Hon. William B. Shubb
	)	

**ORDER AND FINDINGS**

The new status conference is set for November 23, 2005 at 9:00 a.m. The court finds that the interests of justice are best served and the public interest is protected by granting the continuance in the above-captioned matter. Accordingly, time under the Speedy Trial Act is excluded from October 19, 2005, through November 23, 2005, in computing the time within which trial must commence under the Speedy Trial Act, pursuant to Title 18 U.S.C. § 3161(h)(8)(B)(iv) and Local Code T4. (reasonable time to prepare.)



WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE

DATED: October 11, 2005